

Application No: 10/070,867
Attorney's Docket No: IT 010006

AMENDMENTS TO THE DRAWINGS

The attached replacement drawing sheets make changes to Figs. 4, 5, 7 and 8, and replace the original sheets with Figs. 4, 5, 7 and 8.

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REMARKS/ARGUMENTS

Applicant acknowledges receipt of the Office Action dated April 7, 2006. Reconsideration and further examination of claims 1-13 is respectfully requested.

Claims 1-13 are pending in this application. By this Amendment, claims 1-13 are amended.

On pages 1-2, the Office Action rejects claims 12 and 13 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

Claims 12 and 13 are directed to subject matter implemented in a computer. It is respectfully submitted that subject matter implemented in a computer constitutes statutory subject matter under 35 U.S.C §101.

For at least forgoing reasons, it is respectfully requested that the rejection of claims 12 and 13 as being directed to non-statutory subject matter be withdrawn.

At the bottom of page 2, the Office Action includes comments under a heading "Double Patenting." However, the Office Action does not appear to include a double patenting rejection. If Applicant's understanding is incorrect, Applicant requests that the reason for including a section titled, "Double Patenting" be explained.

On page 3, the Office Action objects to the drawings. Applicant submits herewith drawing corrections to figures 4, 5, 7 and 8 to add labels to the black boxes included in those drawings. Applicant believes this amendment to the drawings satisfies the requirements of the Office Action. If Applicant has misunderstood the Office Action with respect to the drawings, Applicant requests

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that a more detailed explanation be provided regarding the alleged deficiency in the drawings. For at least forgoing reasons, it is respectfully requested that the objection to the drawings be withdrawn.

In the middle of page 3, the Office Action objects to the specification for the specified informalities. Applicant amends the specification to make the changes requested by the Office Action. For at least forgoing reason, it is respectfully requested that the objection to the Specification be withdrawn.

At the bottom of 3, the Office Action objects to claim 13 for the specified informality. Claim 13 is amended as suggested by the Office Action. For at least forgoing reason, it is respectfully that the objection to claims 13 be withdrawn.

On pages 4-5, the Office Action rejects 1-13 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

The basis for the rejection of claims 1-13 under 35 U.S.C. § 112, first paragraph, arises from a recitation of, "a single length information field" in claims 1, 6 and 8-13. The Office Action cites several locations in the specification where support is found for the recitations of a length field in the claims. According to Applicant's review of the support in the specification for a length field, it appears that there are at least 35 places in the specification that a length field is mentioned. Only one of these 35 or more instances of a length field in the specification use the plural when mentioning a length field. All of the other 34 or more instances where a length field is mentioned in the specification use the singular.

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Applicant respectfully submits that the English language, as is typical, recognizes the singular and plural forms of nouns. Applicant respectfully submits that it is well known in the grammatical construction of the English language that the plural form of a noun refers to more than one of that object, and the singular form of a noun refers a single instance of that object. Therefore, regarding the 34 or more instances where a length field is mentioned in the specification that use the singular form for the length field, Applicant respectfully submits that it is clear based normal construction of the English language that the specification is describing a single instance of that length field.

For at least the forgoing reasons, it is respectfully submitted that specification satisfies the written description requirement under 35 U.S.C § 112, first paragraph, with respect to the recitation of, "a single length field" in claims 1-13.

Therefore, it is respectfully requested that the rejection of claims 1-13 under 35 U.S.C § 112, first paragraph be withdrawn.

On pages 5-8, the Office Action rejects 1-13 under 35 U.S.C § 103(a) as being unpatentable over Koenen, "Overview of the MPEG-4 Standard" in view of U.S. Patent No. 3,996,558 to Heun. This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art

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reference (or references when combined) must teach or suggest all the claim limitations. *See*, MPEP §2143. Applicant respectfully asserts that the combination of *Koenen* and *Heun* fails to teach or suggest the following limitations of independent claims 1, 6, and 8-13:

1. “including a single length information field concerning respective lengths of the respective partitions in the coded data stream” as recited in independent claim 1;
2. “the coded data stream further includes a single length information field concerning respective lengths of the respective partitions in the coded data stream,” “reading the length information field,” and “channel decoding the coded data stream using the length information field to obtain a decoded data stream” as recited in independent claim 6;
3. “means for including a single length information field concerning respective lengths of the respective partitions in the coded data stream” as recited in independent claims 8 and 10;
4. “the coded data stream further including a single length information field concerning respective lengths of the respective partitions in the coded data stream,” “means for reading the length information field,” and “means for channel decoding the coded data stream using

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the length information field to obtain a decoded data stream” as recited in independent claims 9 and 11; and

5. “the coded data stream further comprising a single length information field concerning respective lengths of the respective partitions in the coded data stream” as recited in independent claims 12 and 13.

As to the traversal, the Office Action has correctly recognized the failure of *Koenen* to disclose teach or suggest the aforementioned subject matter recited in independent claims 1, 6, and 8-13. Furthermore, as illustrated in FIG. 1, *Heun* discloses an error detection and recovery scheme that includes a partition head 25 for each partition body 31 of a data stream stored on a magnetic tape, and not a partition head 25 for a group of partition bodies 31. Moreover, *Heun* teaches away from a single partition head 25 for a group of partitions bodies 31 by teaching an essential requirement of separating, not grouping, each partition body 31 by a partition gap 21. *See, Heun* at column 2, lines 19-38.

Withdrawal of the rejection of independent claims 1, 6 and 8-13 under 35 U.S.C. §103(a) as being unpatentable over *Koenen* in view of *Heun* is therefore respectfully requested.

Claims 2-5 depend from independent claim 1. Therefore, dependent claims 2-5 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by

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Applicant that dependent claims 2-5 are allowable over *Koenen* in view of *Heun* is therefore for at least the same reason as set forth with respect to independent claim 1 being allowable over *Koenen* in view of *Heun*. Withdrawal of the rejection of dependent claims 2-5 under 35 U.S.C. §103(a) as being unpatentable over *Koenen* in view of *Heun* is therefore requested.

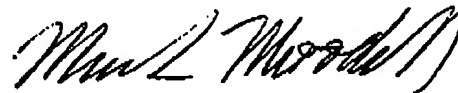
Claim 7 depends from independent claim 6. Therefore, dependent claim 7 includes all of the elements and limitations of independent claim 7. It is therefore respectfully submitted by Applicant that dependent claim 7 is allowable over *Koenen* in view of *Heun* for at least the same reason as set forth with respect to independent claim 6 being allowable over *Koenen* in view of *Heun*. Withdrawal of the rejection of dependent claim 7 under 35 U.S.C. §103(a) as being unpatentable over *Koenen* in view of *Heun* is therefore requested.

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

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Respectfully submitted,
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Attachments: Replacement Drawings, Sheets (3)

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